

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 8698 of 1995

Between:

- 1 Gowli Ganganna S/o. Papanna
r/o. Illur Village, Garladinne Mandal, Anantapur dist.
- 2 Gowli Nadipi Ganganna W/o. Papanna
r/o. Illur Village, Garladinne Mandal, Anantapur dist.

..... PETITIONERS

AND

- 1 Commissioner of Land Revenue,
Govt of A.P. Hyderabad.
- 2 Joint Collector, Anantapur.
- 3 The Revenue Divisional Officer, Anantapur.
- 4 Kuruba Chinna Yellamma W/o. Narayana
r/o. Illur Village, Garladinne Mandal, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ one in the nature of writ of Mandamus declaring the order of the 2nd respondent in D. Dis. No. 7393/86(AS) dt. 14-3-91 as confirmed by the 1st respondent in his Ref.BCW.I/291/91 dt. 10-11-94 as arbitrary, illegal without jurisdiction and void.

Counsel for the Petitioner: MR.M.P.CHANDRAMOULI

Counsel for the Respondents No 1 to 3.: MR.O.MANOHER REDDY

The Court made the following :

ORAL ORDER:

The case of the petitioners is that they occupied Ac. 2-64 cents of government land in Sy. No. 765 of Illuru village in 1974 and since then they have been in possession and enjoyment of the same by bringing it into cultivation. The Mandal Revenue Officer also granted D form patta in their favour in respect of the said land on 6.11.1985.

It is further stated that the 2nd respondent herein issued them a show cause notice dated 30-8-1986 stating that the petitioners are not eligible for grant of pattas. The petitioners, in turn, filed an explanation dated 23.1.1987 substantiating their stand. But the 2nd respondent by an order dated 14.3.1991, cancelled the pattas standing their favour. Aggrieved thereby, the petitioners filed a revision before the 1st respondent, who in turn suspended the orders of the 2nd respondent pending revision.

The main grievance of the petitioners, appears to be that, on the date when the revision came up for hearing, the learned counsel representing the petitioners could not be present before the 1st respondent on the ground that he went to donate blood and to that effect he also filed a petition seeking adjournment of the matter. But

the 1st respondent, not being satisfied with the cause put forth by their counsel, instead of adjourning the matter, passed an order ex parte on 10-11-1994 confirming the order of the 2nd respondent. Hence the present writ petition to declare the order of the 2nd respondent dated 14.3.1991 as confirmed by the 1st respondent on 10-11-1994 as arbitrary and illegal.

Heard the learned counsel for the parties. Perused the material placed before me.

Learned counsel for the petitioners submits that even though the matter came up for hearing 5 times, the 1st respondent adjourned the matter. But only on the given date when the matter was called for hearing of the respective counsel, the counsel representing the petitioners sent a petition stating that a patient was admitted in Medi City Hospital and he was in urgent need of a bottle of blood and therefore, he was proceeding to the hospital and accordingly sought for adjournment. But the 1st respondent instead of taking into consideration the genuine cause put forth by the learned counsel for the petitioners, chose to pass orders on merits without hearing their counsel and thus the 1st respondent violated the principles of natural justice.

A reading of the impugned order itself goes to show that the 1st respondent himself mentioned in his order dated 10-11-1994 in page No. 2 about the absence of the counsel for the parties and etc., facts.

Under the above circumstances, it is to be observed that the 1st respondent has not followed the principles of natural justice and the impugned order has to be set aside on that ground alone.

Accordingly, the order dated 10-11-1994 passed by the 1st respondent is set aside and the matter is remitted back to the 1st respondent for passing orders afresh after issuing notices to both parties, on or before 30-6-2005, without being influenced by any of

the observations made herein.

With the above direction, the writ petition is disposed of. No costs.

kvsn 03-02-2005

To

- 1 Commissioner of Land Revenue,
Govt of A.P. Hyderabad.
- 2 Joint Collector, Anantapur.
- 3 The Revenue Divisional Officer, Anantapur.
- 4 Two CCs to GP for land revenue, High Court buildings, Hyderabad.

5 Two CDs.